



Impediments to Peace: United States Political & Moral Willpower Into the 21st Century & Beyond BY Miss Jill L Starr

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Into the 21st Century & Beyond

By Jill Louise Starr



"The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may have been involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations."

----- The North Atlantic Treaty - Article I, (4 April 1949)

I. Introduction

Insofar as endeavoring objectively to effectuate world peace and perpetual human survival, no first world superpower in the 20th century has invoked greater rhetorical claims waging war is a reasonable means to achieve the eventual end of constructing world peace, than the United States of America. This paper critically analyzes this widely held political prescription that “Might Makes Right,” as a means for effectuating Kant’s noble goal of Perpetual Peace, whilst re-examining its continued feasibility into the 21st century. It additionally argues the United States failure to objectively practice the identical high minded human rights political and moral willpower it demands less powerful states’ adhere to, seriously damages both United States respectability and credibility before other United Nations member states within the United Nations purview. The conclusion emphasizes wherefore world

peace and perpetual human survival will not be achieved unless the United States and its future foreign policy initiatives include objectively practicing customarily accepted international legal norms of the Geneva Convention as well as America subjecting itself as a nation to a newly constructed international criminal court.

It hopes that America's willingness to do so will both remedying the aforementioned credibility issue America now faces at the United Nations as well as ensuring the United States is always viewed as the shining beacon of democracy our Founding Father's envisaged when they arrived at Plymouth Rock.

II. The Relationship Between the United States and the International Criminal Court

American human rights scholars, advisors to the American President and other high ranking military officials have always tended migrating towards one of two bipolar views in analyzing the future directions of American foreign policy, human rights objectives and preventive diplomacy. Scholars on one hand purport the United States continually fails producing the necessary political and moral willpower objectively insofar as implementing the identical high-minded humanitarian and social justice standards it demands other less powerful developing states adhere. And by doing so, these same scholars assert America continually fails to lead the world by genuine democratic example. It is moreover argued that the aforementioned is a social fact owing to the many occasions that America itself has committed gross violations of human rights by breaching international criminal law, the

[1]United Nations Charter, NATO's Treaty and of violating many other important internationally agreed upon Treaties including the Geneva Conventions on War Crimes (1948).[2]

This has been increasingly manifest in the American news media after the Afghanistan and Iraqi invasion by its coverage of all types of alleged torture treatment made by American soldiers in their handling of prisoners of war from those regions. Many say this was also made manifest during the 1999 NATO bombing of Serbia when NATO had used depleted uranium and cluster bombs against Serbia, both are internationally contraband weapons.[3] It is the strongly held view of this group of political scholars that the such acts implemented by the United States during times of war undermine global social justice for all as well as the importance of upholding important human rights standards meant to enshrine human dignity

for humanity at home and abroad. Maintaining this remains one of the largest impediments left in achieving world peace, they also claim the incessant objections emanating from certain United States politicians such as Republican Senator Jesse Helms whom vehemently opposes the United States subjecting itself to an International Criminal Court makes of mere mockery of the United States human rights record manifesting American western liberal democracy as purely hypocritical before the rest of the world.

The other most largely held bipolar scholarly argument asserts itself as 'The Third Way.' Its theoretical creator English scholar Anthony Giddens is Director of London's School of Economics as well as the man perhaps known best as being British Prime Minister Tony Blair's political guru. Giddens himself defines this view as being the new democratic and moral state imperative into the 21st century

forward. According to Giddens view, both America and Britain are what he considers, *new democratic states*. This concept of the *new democratic state* into the 21st century purports the position that first world democratic powers no longer bound by the United Nations and its customarily accepted international criminal legal norms.

According to those espousing his theoretical argument, powerful democratic countries like America possess a new modish capacity. They exist as democratic role models for other non-democratic states such as Serbia and Cuba who must be willing to model their governments after that of the new democratic states. Furthermore Giddens supports the position the United States and England dictate declarations of war and peace by this moral political imperative of making the world safe for democracy, a take on Woodrow Wilson's democratic peace theory. This is seen in his viewpoint that America and Britain possess

privileges or moral political imperatives that as powerful new democratic states, they possess the right to intervene militarily unilaterally, without United Nations Security Council approval, in the political affairs of non-democratic governed sovereign states in order to alter their political structure and make them western styled democratic states in governance.

Exemplary of Giddens' new moral foreign policy initiatives are manifest in NATO's military intervention in Kosovo in 1999 and Bosnia in 1991. Giddens like his successor former United States President Woodrow Wilson strongly believes global world peace can't be achieved until every nation/state in the world espouses, and objectively practices western styled liberal democratic governance. This means in the most basic sense, that powerful democratic states possess a special God given privilege as well as a special political moral imperative to help the rest of the world construct world

peace. And this future envisioned world peace will only come after the United States and Britain coerce militarily (if necessary) the rest of the world to espouse and model themselves after western liberal democracies. Scholars of 'The Third Way' believe that America and its western European allies have the exclusive right to 'renew social democracy wherever it can be implemented.

This justification has been used by both the Clinton administration in its unilateral 1999 bombing of Serbia as well as the Bush administration in its invasion of both Afghanistan and Iraq. The former group of scholars argue this point of view is not only hypocritical, but that no state in the world possesses the exclusive privilege to wage war unilaterally on another sovereign state without prior approval by the other United Nations member states and the Security Council. Both groups may agree that in a post-Cold War world, when any internal

state conflict erupts such as genocidal civil war, this is indicative that political change is imperative in the patterns of the way in which that particular state previously governed itself.

VI. What America Can Do

Only time will tell whether the seemingly never ending debate between all these competing groups of human rights scholars will resolve itself and if the future path of United States foreign policy will take a more internationalist approach. In the meantime however, America can advocate a more positive stance and assist the United Nation member states and itself in effectuating future world peace by leading by objective democratic example and not in mere political principle alone. Principle without practice is as useless as the Universal Declaration of Human Rights

without being implemented globally to all humanity. Both sad and ironic is that ever since the development of international criminal law and associated tribunals began, America, the world's greatest democratic superpower continues resisting their influence. At this junction it is not necessary to go into a lengthy discussion as to why. By now political analysts should be acquainted with the field well enough to realize America primarily has resisted subjecting itself to the same international legal standards it demands other less powerful states adhere to owing solely to concerns:

(1) That former United States Officials such as Doctor Henry Kissinger will one day be extradited to the Hague War Crimes tribunal on alleged war crimes they themselves may have committed during time served in office;

(2) Servicemen/women on

Duty in places such as Afghanistan and Iraq will similarly be summoned to the Hague or future International Criminal Court should one be constructed for committing war crimes. Exemplary is the recent manifestation of the sex war crimes committed by U.S. female servicewoman, Lindsey England, in Iraq (See cover of New York July 2004);

(3) And that the United States, in and of itself will be constrained in pursuing its own narrow national state interests by a future international criminal court with legal jurisdiction over America in an equal manner it would other states such as Yugoslavia.

However, during the summer (June 1998), the United States possessed a strong enough interest to send several important

diplomatic representatives to Rome Italy to participate in the original drafting of the Rome Statute.^[4] The United States was particularly interested in drafting the part of the Rome Statute Rules governing the prosecution of war crimes. Particularly those war crime rules governing the prosecution of those persons allegedly found guilty of perpetrating war crimes, evidence, procedure and various protections for those accused of war committing crimes. On (December 31st 2000), former United States President Bill Clinton finally signed the Rome Statute immediately prior leaving office.

However, many human rights scholars claim he did so only to ensure the United States is included in future ICC meetings safeguarding America's continual right to partake in forming a new International Criminal Court, if created. After George W. Bush Junior took over presidential office (May 2000) he explicitly denounced

the United States would be bound by Clinton's signature on to the Rome Statute. In fact both Bush and Clinton have acted aggressively to end all and any cooperation with a newly formed international criminal court as well as the with United Nations Security Council on matters pertaining to world peace when it pertains to United States national security interests.

This is made manifest by their statements as is follows:

"In signing (the Rome Statute 2000)...we are not abandoning our concerns about significant flaws in the Treaty...The US should have the chance to observe and assess the functioning of the court, over time, before choosing to become under its jurisdiction. I will not, and do not recommend that my successor, submit the Treaty to the Senate for advice and consent until our fundamental concerns are satisfied."

"We in (2002) should isolate and ignore the ICC. Specifically, I propose for United States policy-I have got a title for it...I call it the Three Noes: no financial support, directly or indirectly; no collaboration; and no further negotiations with other governments to improve the Statute...This approach is likely to

maximize the chances that the ICC will wither and collapse, which should be our objective." [5]

III. United States Political Willpower v. World Peace

United States security, economic interests and United States cooperation with the United Nations Security Council in matters of world security remain bipolar. Exemplary, was the case when the International Court of Justice ruled against the United States in 1984 when it allegedly illegally invaded Nicaragua being guilty itself of committing war crimes and threatening international peace and security.

Similar statements emanating from key American politicians seriously undermined if not permanently damaged United States credibility in delicate diplomatic matters, as also uncover the United States a morally

bankrupt insofar as human rights and social justice. Issues such as these have placed a diplomatic wedge between the United States and other non-western, non-liberal governed states such as Iraq, China, Russia and Yugoslavia. Some human rights scholars also maintain that they increase the risk of terrorist activities currently directed against America and its citizenry by Islamic fundamentalist groups such as, Al-Qaeda. Thus, such statements have only helped make a mockery of United States and its high-minded human rights rhetoric as it unilaterally uses militarism to invade sovereign states while superseding United Nations Security Council approval first. This is the case in both Clinton's decision to bomb Kosovo (1999) as well as in Bush's current military involvement in Iraq.

IV. Consequences of United States Credibility At the United Nations

This current one-sided trajectory the United States now takes in guiding its future foreign policy directives involving militarism, in and of itself has been injurious to United States credibility at the United Nations Assembly. Unfortunately, the Vienna Convention gives ambassadors total immunity from prosecution, even during times of war (Article 31) from the minute they take up their post until they leave the host country. The international community has had limited success prosecuting some such as Hitler and have aided others escape.

The United States is infamous for assisting condemned war criminals flee into exile. The United States gave ex President Aristide of Haiti a place of exile in America from his unlawful killing of civilians in Haiti during

the time he served as President of that country. Another instance was when the Marcos family fled to Hawaii in 1986. Ferdinand Marcos was a dictator from the Philippines who for over 13 years personally dictated disappearances and torture interrogations. And the list goes on including the famous Augusto Pinochet case in which Margaret Thatcher and Henry Kissinger hope to escape being indicted themselves for military supporting his coup in Chili (1973).^[6]

V. The United States and International Criminal Law

Similarly on May 9th 1999, United Nations Human Rights Commissioner, Mary Robinson stated that:

"people are not collateral damage [inverse to what top NATO leaders in particularly what English Prime Minister Jamie Shea

proclaimed publicly that accidentally killing hundreds of Yugoslav civilians via NATO bombs were merely "Collateral damages"], people are people."

Diplomats, attorneys and many other high ranking international politicians such as South Korean Foreign Minister Hong Soon-Young, Russian President Boris Yeltsin, Former U.S. Attorney General Ramsey Clark and many Canadian scholars have been vocally criticizing NATO (1999 Kosovo Crisis) and George W. Bush Junior's invading Iraq 2004) stating:

"From the beginning, the United States and NATO act in an imperial and uncontrolled manner by repeatedly circumventing Article 2 of the United Nations Charter, and also its own Charter [OAS] the Vienna Convention on the Laws and Treaties, and the Helsinki Accords of 1975 and unilaterally acting on its own national interests without concern for world peace and human rights."

As international criminal law progresses, lawsuits and complaints against the United

States and the NATO member states have been flooding the Hague where the Int'l Court of Criminal Justice (IJC) is located alleging that NATO leaders be held equally accountable for their own alleged war crimes against world peace.

Over ten countries have indicted former United States politicians such as Henry Kissinger and Bill Clinton for being complicit in the plotting and waging of unauthorized war against other sovereign nation-states. Many of these Western politicians have also been repeatedly refused VISA's and entry into foreign countries. There also were several arrest warrants issued in Europe and also in the Balkan's for many top NATO leader's including former United States President, Bill Clinton and Tony Blair for spearheading NATO's use of unauthorized force against Yugoslavia (1999)'. NATO's former Cold-War theme that "an attack on

one [member of the NATO] is considered as an attack upon all NATO members", cannot account for the NATO military aggression launched against Yugoslavia for 78 days last year.

Even former Nuremberg Prosecutor, Benjamin Ferencz, strongly advocates United States resistance to the ICC endangers world security in stating:

"The greatest step forward in promoting the law of peace took place in Nuremberg after World War Two. The International Military Tribunal (IMT) Charter listed only three crimes that would come within the Court's jurisdiction. The first [was] war *Crimes Against Peace*, namely the planning, preparation, initiation or waging of war."

U.S. officials increasingly fear that they themselves could come under the scrutiny and suspicion of a newly established ICC. Especially in light of the fact that in: "1996, the International law Commission composed of 34 "independent experts"

completed work on the draft Code of Crimes that had first been ordered by the UN Charter in 1946. It described "aggression" as a "customary law crime" and created a "peremptory norm"---irrevocably binding on all UN member states to abide by it."

The entire matter throws an ominous shadow of shame upon the United States of America and its leaders as we enter a new millennium and must not be neglected. Especially in light of the NATO's latest political objectives of expanding its original mandate regarding the Warsaw Pact to transforming itself into an international and unilateral global police force unconditionally independent from any UN Security Council scrutiny.

Now more than ever the time for establishing of an ICC is vital to global

human survival and establishing future world peace. Even if the U.S. continues to resist subjecting itself to an ICC the court became active in 2002 after 105 states ratified the Treaty and the Rome Statute became the compulsory collective international legal rule of law for the entire world in lieu of the NATO's unilateral militarism. To elucidate the grave primacy of this matter, in a special report published by the USIP regarding the NATO's 50th Anniversary celebration, held April 23-25th (1999), the USIP reports regarding the new NATO mandate of "humanitarian intervention":

"Within the alliance, Non-Article 5 missions may vary...Such missions (backed primarily by both the U.S. and U.K.) are described by Americans as "crisis response operations" (an activist approach)...implying that such [military] missions would only be used to [enforce

coercively and to support a peace agreement)."

What is striking and most disturbingly remarkable about the aforementioned complaints being filed by Milosevic and others against the U.S. and its NATO counterparts at the Hague (ICJ) is they are becoming increasingly more difficult for the U.S and their NATO leaders counter. Scholars of human rights and international criminal law have been primarily conceding with local law officials in Beograd Serbia stating:

"that NATO violated international humanitarian law...and that NATO may have breached the Geneva Convention in five areas: it conducted air attacks using cluster bombs near populated areas, attacked targets of questionable legitimacy; did not take adequate measures to warn civilians of strikes..."

Inverse to the rhetorical proclamations made by many U.S. governmental officials,

the United States has shown itself to be entirely more interested in judging the alleged human rights records of other countries more than its own. Exemplary is the U.S. State Dept. web site (www.state.gov) on which is listed all of the alleged human rights violations committed by every country in the world, except for the U.S. This U.S. brushing off of its own moral political obligation to uphold its own human right instrument, the Organization of American States, has steadily declined since World War Two.

This sad social historical fact is revealed when inquiring into the history of the U.S. and its past human rights track record with respect to the world's former and present international criminal tribunals.

The first attempt to establish an international criminal court was in 1907 during the Second Hague Conference at the suggestion of former U.S. President

Theodore Roosevelt. He proposed an International Court of Justice would:

"Decide between nations, great or small, exactly as a judge within our own limits [U.S. Western Courts] decides between individuals, great or small..."

The reasons for which Roosevelt's idea to establish an international criminal court died in committee are both mysterious and controversial, yet worth examining. Perhaps the idea died owing to many Non-western governed states and their associated societies composed of primarily traditional cultural communities whose governance is not premised upon Western political philosophical principles being highly skeptical of submitting themselves to a Western styled international criminal tribunal. After all, much of this same skepticism is still very prevalent today within the UN international relations purview and is manifested in the following

statements given by an African Head of State:

"No one but us understands the motives upon which we act. Imperialists talk about human rights, drinking tea or sipping champagne. They can afford to--after all, they have it made. If we had slaves for 200 years to build our roads, build our homesteads, sow our fields; if we had multinationals for 300 years looting wealth from other people's lands; if we had literate, healthy, well-fed citizens---if we had a diversified economy and people had jobs---we too could talk human rights from our air conditioned offices and homes. But we can't do it; we have nothing."

In another instance a Junior Minister joined in saying:

"You know, professor, we wish imperialists could understand that the sick and hungry have no use for freedom of movement or of speech. Maybe of worship! Hunger dulls the hearing and stills the tongue. Poverty and lack of roads, trains, or buses negate freedom of movement. You know, freedom to own private property alone is demanded by less than 1% here---those who had collaborated with imperialists in robbing the poor masses. The poor are grateful and glad to share."

Whether this was the problem at that time, we will never truly know. What we do know is that two world wars have yet to teach the most powerful Superpower in the world, the U.S., either the lessons or legacies of strategically planning, instigating, engaging and waging aggressive war. Two world wars have failed to teach many U.S. political leaders the grave importance of working towards permanently capitulating aggressive war altogether in order to safeguard against the possible future extinction of humanity. Let's face it, the world is not getting any safer insofar as nuclear weapons are concerned and one atom bomb can ruin your whole day. Moreover, more persons have died in genocidal civil wars since 1945 than in all of both the former world wars together:

"Since 1945, some 135 wars, most of them in the developing world, have killed more than 22 million people--the equivalent of World War III..."

This paper is the first part of a multi-volume series of works discussing various impediments to the attainment of world peace. The clear continued lack of genuine Political Willpower on the part of the U.S. to assist the rest of the world and in particular the European Community in establishing a permanent International Criminal Court with compulsory jurisdiction over all nation-states constitutes part one of this series. This author shares the opinion of former Nuremberg Prosecutor Benjamin Ferencz regarding the primary impediment to achieving World Peace and Global Human Survival. Undoubtedly, the greatest impediment to attaining world peace is the fault of, and also falls upon those member states within the international relations purview and the UN such as Germany, the U.S. and U.K. For these three states primary bare responsibility for stalling the

establishment of an International Criminal Court. According to Ferencz:

"Every effort should be made to obtain the widest possible acceptance of the proposed International Criminal Court. Once all views have been heard, bickering must stop and decisive action taken. The number of signatories required...[to establish a treaty effectuating an international criminal court]...should be kept to the minimum needed to make the court operational; it should not exceed fifty."

No treaty is officially binding upon any nation-state until embedded into its domestic law such as in Europe. Both sad and ironic is that the U.S. cannot even obtain the required two third vote from its own Senate in order to ratify a Treaty that would establish an new International Criminal Court with compulsory jurisdiction to impose its legal adjudication's upon every country equitably. As read in Global Survival, unlike the U.S., most of Europe has already established the EEC (Court of European

Communities). The EEC and its affiliated CJEC (Court of Justice of European Communities) does possess compulsory legal jurisdictions to impose its legal decisions upon its members by superceding any European domestic law. It is also accessible to individuals, states and corporation. This has been the cause of much friction now existing between European states and the United States regarding imposing political and economic sanctions against Yugoslavia, Cuba, Iraq and Iran. In 1985 the U.S. withdrew itself from the legal jurisdiction of the ICJ (International Court of Justice) after the court rendered the U.S. guilty of committing "war like acts". Thus U.S. Presidents and their associated political entourages seemingly prefer judging other countries rather than their own. This is clearly seen in the U.S. clearly rejecting to be bound by the Treaty of the Laws of the Sea. Ferencz states in:

"December 1982, at Montego Bay in Jamaica, 119 delegates from 117 states signed the UN Convention on the Law of the Sea. It was an unprecedented and monumental achievement that had taken over 14 years of work by representatives of more than 150 countries...The sea-bed, the vast area not immediately contiguous to national boundaries, was declared to be "the common heritage of mankind. (Art. 136) Its resources were to be used for the benefit of mankind as a whole....[However] as in all such treatise there were some states that would not accept some of its provisions. The United States, that had the minig capacity to mine the seabed, was not inclined to accept the *diktat*, or controls of any independent authority regarding its actions on or under the high seas."

U.S. strategic economic and political interests have often taken precedence over upholding democracy and fundamental human rights (social and economic as well as political and civic) in countries such as Iraq, Cuba and Yugoslavia. As Ferencz states:

"Sovereign states should realize that there is no danger in voluntarily accepting certain restrains for the common good [of all humanity]...States must finally summon the

political courage to accept universal "rules of the road" that bind everyone for the benefit of everyone."

Now is the time for all UN member states (past, present and upon new admission) to concur it is wisdom to avoid war by at very least, making it mandatory for UN member states to both recognize and ratify in their domestic law, the three Nuremberg Principle war crimes. Nothing less but the immediate establishment of an International Criminal Court can guarantee that there will still be a world left for our world's future posterity so that as Ferencz states:

"Never Again would aggression, genocide, crimes against humanity and war crimes be tolerated without punishment of the perpetrators."

In light of the aforementioned international development of NATO expansion without UN Security Council approval of its

unilateral humanitarian militarism, the dialectic tensions holding the delicate balance of world peace together are becoming increasingly undone daily. The U.S political leaders must come to terms with the idea that sharing the world's wealth with other countries is far better than obliterating Earth and all of humanity altogether. It is as sad as it is ironic that the U.S. elite politicians cannot view this issue with the same rationality others seem to be capable. The world community in the 21st century will undoubtedly face many new challenges. Moreover, the growing uncertainty as to whether the future international relations purview regarding world peace, security and human rights will become better or worse than the previous century remains to be seen. In addition, the tensions existing between the duties of states to uphold and abide by the UN Charter while simultaneously trying to uphold the fundamental human rights issues and also sustaining world peace for the entire world

in its diversity will continue to grow. Yet, the U.S. has still remained strongly opposed to the idea of establishing an international criminal court and abiding by its fair rulings. Time will tell whether the world will lean towards world peace or world war in the future. Notwithstanding, the fact remains evident that unless the U.S. will work with the rest of the world community in trying to achieve world peace, it risks the possibility of possible human destruction by way of its own nuclear weapons of mass destruction. Let us hope the U.S. along with the rest of the world community of rational men and women chose the former and not the latter path.

[1] Please see United Nations Commission reports on: El Salvador, Honduras, Chile, East Timor, Guatemala and Kosovo where the United States supported regimes committing genocide and other atrocities.

[2] Present United States President George Bush, similarly to his successor William J. Clinton both superseded the United Nations

Charter as well as other important international treaties America is signature to by unilaterally acting militarily in Iraq (2004) and Kosovo (1999). On March 26th 1999, Thomas Campbell (R-San Jose-C.A.) and fourteen other senators claimed Bill Clinton violated the War Powers Act (1973) as well as constitutional law which gives not the United States President but the congress the legal right to declare war against another sovereign state if "aggression" against the said state (in this case the state was Serbia and Montenegro) continues for over 60 days by any Presidential Executive Order. The Senators attempted to take former president Clinton to court at the time. The War Powers Act was implemented but congress post Vietnam to prevent another war like it in the future.

[3] NATO admitted using internationally banned weaponry during its 1999 bombing raid on Serbia and Montenegro which included depleted uranium and cluster bombs. This resulted in an escalation of leukemia and other cancers and some of the same birth defects seen manifest with the Gulf War Syndrome. Depleted Uranium is still widely used owing to its effectiveness in destroying tanks. The uranium oxide from such bullets, when inhaled by humans allows for dangerously painful fire hot particles about 0.5 microns across to settle in the victims chest. The equivalent would be for a human to subject themselves to about twenty chest X-rays per hour. Nearly all NATO and Western European cruise missiles fired during the 1999 air raids contained DU in their warheads. DU has been classified as a contraband weapon of mass destruction and illegal to deploy according to the Geneva Conventions on war crimes [Cited from the

KDOM Daily Report, released by the Bureau of European and Canadian Affairs, Office of South Central European Affairs, U.S. Department of State, Washington D.C., December 21, 1999; Compiled by EUR/SCE (202-647-4850) from daily reports of the U.S. element of the Kosovo Diplomatic Observer Mission, December 21, 1999].

[4] The Rome Conference Treaty was held in Rome (1998) where 120 nations converged to adopt a statute securing an International Criminal Court during a five week conference. Twenty-one nations abstained and seven were opposed including: the United States, Israel, China and India. From July 2002 forward, war crimes against humanity committed anywhere in the world will at least in theory be subject to prosecution and the ICC's international jurisdiction.

[5] These statements can be found on the World Federalist Web Site at: <http://www.unausa.org/site/pp.asp?c=fvKRI8M&PjP&b=345925> (Home Page 1)

[6] Augusto Pinochet as the first head of state to be indicted by the ICC for committing acts of murder and torture against the civilian population in Chili in the 1970s.